IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2743 OF 2005

Shri Dnyaneshwar Bhagwan Gadhave : Petitioner

V/s.

Shri Rangnath Shridhar Gadhave & Ors. : Respondents

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Ms Smita Mane with Mr.P.B.Shah for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

June 16, 2005.

P.C.:

1. The petitioner applied for recall of the witness in a suit filed for removal of encroachment. The trial Court has rejected this application on the ground that in the map produced by the TILR and which is already on record, the area of encroachment has already been shown and demarcated in red colour. The trial Court has not noticed any ambiguity as regards the area said to have been encroached upon and has, therefore, declined to recall the witness. There is no error or infirmity in the order of the trial Court.

2. The petition is dismissed.

S.A. BOBDE, J.